

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

WILLIAM KEMP, JR.,

Plaintiff,

CIVIL ACTION NO. 08-CV-12392-DT

VS.

DISTRICT JUDGE JOHN FEIKENS

**UNITED STATES OF
AMERICA, et al.,**

MAGISTRATE JUDGE MONA K. MAJZOUB

Defendants.

REPORT AND RECOMMENDATION

I. RECOMMENDATION: This action should be **DISMISSED** without prejudice pursuant to 28 U.S.C. § 1915A because Plaintiff has failed to state a claim upon which relief may be granted.

II. REPORT:

This matter comes before the Court on the Court's duty to screen complaints filed in civil actions in which a prisoner seeks redress from a governmental entity or an employee of a governmental entity. 28 U.S.C. § 1915A. All pretrial matters have been referred to the undersigned for action. (Docket no. 3). Petitioner is proceeding *pro se* and *in forma pauperis*. (Docket no. 4). He is a prisoner currently housed at the Cooper Street Correctional Facility in Jackson, Michigan. (Docket no. 1). Petitioner names as Defendants the United States of America, the State of Michigan, and the United States Attorney General. (*Id.*).

Section 1915A requires this Court to dismiss the complaint or any portion of the complaint if it is frivolous or malicious or fails to state a claim upon which relief may be granted. 28 U.S.C. § 1915A.

Plaintiff's initial pleading is labeled as a "Notice of Adverse Claim" and claims to be a case under the Court's admiralty and maritime jurisdiction. The "vessel" at issue is "Kemp Jr., William Frederick." The secured party is "William-Frederick: Kemp, junior" who supposedly holds a maritime mortgage or lien on the "vessel." (Docket no. 1 at 1-4). The State of Michigan and the United States have supposedly conspired and improperly "arrested this Sovereign's [118 U.S. 356] Lawful Standing within the Republic." (*Id.* at 4). Plaintiff refers to several provisions of the Uniform Commercial Code in his initial pleading. Plaintiff seeks as relief enforcement of the "preferred maritime lien on the vessel," a ruling on libellant's foreign proceeding whereas libellant is a foreign state in regard to the United States, and other relief. (*Id.* at 6-8).

Plaintiff has failed to state a claim upon which relief may be granted. The Court cannot discern any possible claim against the named Defendants over which this Court could exercise jurisdiction based on the facts alleged. This action should be dismissed without prejudice. 28 U.S.C. § 1915A.

III. NOTICE TO PARTIES REGARDING OBJECTIONS:

The parties to this action may object to and seek review of this Report and Recommendation, but are required to act within ten (10) days of service of a copy hereof as provided for in 28 U.S.C. § 636(b)(1) and E.D. Mich. LR 72.1(d)(2). Failure to file specific objections constitutes a waiver of any further right of appeal. *Thomas v. Arn*, 474 U.S. 140 (1985); *Howard v. Sec'y of Health & Human Servs.*, 932 F.2d 505 (6th Cir. 1991); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). Filing of objections which raise some issues but fail to raise others with specificity, will not preserve all the objections a party might have to this Report and Recommendation. *Willis v. Sec'y of Health & Human Servs.*, 931 F.2d 390, 401 (6th Cir. 1991); *Smith v. Detroit Fed'n Of Teachers Local 231*,

829 F.2d 1370, 1373 (6th Cir. 1987). Pursuant to E.D. Mich. LR 72.1(d)(2), a copy of any objections is to be served upon this Magistrate Judge.

Any objections must be labeled as “Objection #1,” “Objection #2,” etc. Any objection must recite *precisely* the provision of this Report and Recommendation to which it pertains. Not later than ten days after service of an objection, the opposing party must file a concise response proportionate to the objections in length and complexity. The response must specifically address each issue raised in the objections, in the same order and labeled as “Response to Objection #1,” “Response to Objection #2,” etc.

Dated: June 25, 2008

s/ Mona K. Majzoub
MONA K. MAJZOUB
UNITED STATES MAGISTRATE JUDGE

PROOF OF SERVICE

I hereby certify that a copy of this Report and Recommendation was served upon William Kemp Jr. and Counsel of Record on this date.

Dated: June 25, 2008

s/ Lisa C. Bartlett
Courtroom Deputy